



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 22 2004

REPLY TO THE ATTENTION OF  
(AE-17J)

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Tom Picken, Owner  
Picken's Plastics  
149 South Cucumber Street  
Jefferson, OH 44047

Re: Notice and Finding of Violation  
Picken's Plastics  
Jefferson, OH  
Ashtabula, OH

Dear Mr. Picken:

The United States Environmental Protection Agency (EPA, we) is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Picken's Plastics (you) pursuant to Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you are violating the Ohio State Implementation Plan and your Title V Operating Permits at your Jefferson, OH and Ashtabula, OH facilities.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, or bringing a civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

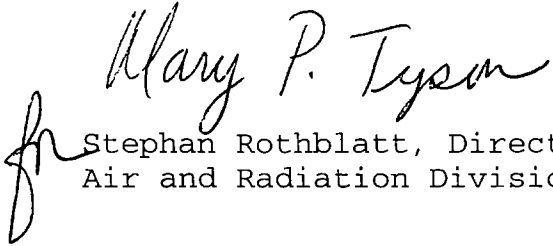
We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations of this nature.

Please plan for your facility's technical and management personnel to attend the conference to discuss meaningfully compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Shilpa Patel. You may call her at (312) 886-0120 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you

receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

 Mary P. Tyson  
Stephan Rothblatt, Director  
Air and Radiation Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Picken's Plastics	)	<b>NOTICE AND FINDING OF VIOLATION</b>
Jefferson, OH	)	
	)	<b>EPA-5-04-OH-19</b>
Picken's Plastics	)	
Ashtabula, OH	)	
	)	
Proceedings Pursuant to	)	
Section 113(a)(1) and (a)(3) of	)	
the Clean Air Act, 42 U.S.C. §	)	
7413(a)(1) and (a)(3)	)	

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**NOTICE AND FINDING OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice and Finding of Violation pursuant to Section 113(a)(1) and (a)(3) of the Clean Air Act. U.S. EPA hereby notifies the State of Ohio and Picken's Plastics that U.S. EPA finds that Picken's Plastics, located at 149 South Cucumber Street, Jefferson, OH, and 4212 Ann Avenue, Ashtabula, OH are in violation of the Ohio State Implementation Plan (SIP) and its Title V Operating Permit, as follows:

**Statutory and Regulatory Background**

**Jefferson - Plant #3 and Ashtabula - Plant #1**

1. On June 16, 1997, U.S. EPA approved 3745-21-07(G)(2) as part of the federally enforceable SIP for the State of Ohio. Fed. Reg. 62 FR 18520.
2. OAC 3745-21-07(G)(2) states that a person shall not discharge more than forty pounds of organic material into the atmosphere in any one day, nor more than eight pounds in any one hour, from any article, machine, equipment, or other contrivance for employing, applying, evaporating or drying any photochemically reactive material, or substance containing such photochemically reactive material, unless said discharge has been reduced by at least eighty-five percent.
3. On March 10, 2003, U.S. EPA approved 3745-31-05(A)(3) as part of the federally enforceable SIP for the State of Ohio. Fed. Reg. 68 FR 2909.

4. OAC 3745-31-05 states that the director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and designate such terms and conditions in any and all permits to install (PTIs)
5. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V Operating Permit.
6. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued or approved under Title V of the CAA.
7. U.S. EPA granted full approval to the Ohio Title V Operating Permit program on April 13, 1995. The program became effective on October 1, 1995.

### **Factual Background**

#### **Jefferson - Plant #3**

6. Picken's Plastics owns and operates a reinforced plastic composites production facility located at 149 South Cucumber Street, Jefferson, OH.
7. Emissions from the reinforced plastic composites production facility are subject to the emission limits for volatile organic compounds regulations set forth in the Ohio SIP at OAC 3745-21.
8. Ohio EPA issued Title V Operating Permit to Picken's Plastics - Jefferson Plant #3 on January 9, 2002.
9. Section A.I.1 and A.I.2.b of Picken's Plastics - Jefferson Plant #3 Title V Operating Permit prohibits organic compound emissions in excess of 8 lbs/hr and 40 lbs/day, including cleanup emissions and cleanup material usage in excess of 396 gallons per year.

Ashtabula - Plant #1

10. Picken's Plastics owns and operates a reinforced plastic composites production facility located at 4212 Ann Avenue, Ashtabula, OH.
11. Emissions from the reinforced plastic composites production facility are subject to the emission limits for volatile organic compounds regulations set forth in the Ohio SIP at OAC 3745-21-07(G)(2).
12. Ohio EPA issued Title V Operating Permit to Picken's Plastics - Ashtabula Plant #1 on February 23, 2001.
13. Section A.I.1 of Picken's Plastics - Ashtabula Plant #1 Title V Operating Permit prohibit organic compound emissions in excess of 3.17 lbs/hr and 76.1 lbs/day, including cleanup emissions, for emission unit R006.

**Notice and Finding Violation**Jefferson - Plant #3

14. Picken's Plastics allowed organic compound emissions in excess of 8 lbs/hr and 40 lbs/day, including cleanup emissions, in violation of section A.I.1 of the Title V Operating Permit. The table below summarizes the dates and emission units involved in the violations.

Emission Unit	Year	Number of Days
R001	2003	300
	2004	70
R002	2004	114
R003	2004	43
R004	2004	12
R005	2004	10
R006	2004	17
R007	2004	51

15. Picken's Plastics' cleanup material-usage exceeded 396 gallons per year in violation of section A.I.2.b. of the Title V Operating Permit. The table below summarizes the dates and emission units involved in the violations.

Note: The bolded figures depict the violations

Emission Unit	Cleanup Material Usage (gals)			
	2001	2002	2003	2004*
R001	<b>1021</b>	<b>686</b>	226	<b>462</b>
R002	<b>1021</b>	<b>686</b>	393	<b>416</b>
R003	<b>1021</b>	<b>686</b>	371	393
R004	<b>1021</b>	<b>686</b>	388	246
R005	<b>1021</b>	<b>686</b>	388	74
R006	<b>1021</b>	<b>686</b>	388	83
R007	<b>1021</b>	<b>686</b>	307	<b>699</b>

\* Acetone usage is prorated based on 1<sup>st</sup> and 2<sup>nd</sup> quarter usage

16. Picken's Plastics' operation in violation of its Title V Operating Permit constitutes a violation of 40 C.F.R. § 70.7(b), and of section 502 of the CAA.

#### Ashtabula - Plant #1

17. Picken's Plastics allowed organic compound emissions in excess of 8 lbs/hr and 40 lbs/day, excluding cleanup emissions, in violation of OAC 3745-21-07(G)(2). The table below summarizes the dates and emission units involved in the violations.

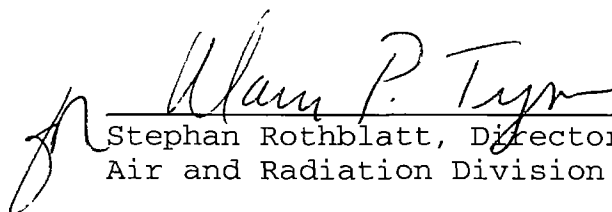
Emission Unit	Year	Number of Days
R004	2004	8
R005	2004	7

18. Picken's Plastics allowed organic compound emissions in excess of 3.17 lbs/hr, including cleanup emissions, in violation of section A.I.1 of the Title V Operating Permit, for emission unit R006.

Emission Unit	Year	Number of Days
R006	2004	10
	2003	195

19. Picken's Plastics' operation in violation of its Title V Operating Permit constitutes a violation of 40 C.F.R. § 70.7(b), and of section 502 of the CAA.

9/22/04  
Date

  
Stephan Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice and Finding Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

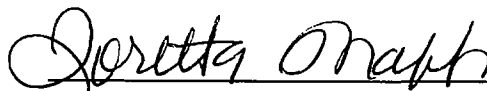
Tom Picken  
Picken's Plastics  
149 South Cucumber Street  
Jefferson, OH, 44047

I also certify that I sent copies of the Notice and Finding Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. Bos 1049  
Columbus, Ohio 43216-1049

Dennis Bush, APC Supervisor  
Northeast District Office  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087

on the 23<sup>rd</sup> day of September, 2004.



Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 00041558 5458